

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BRUCE RICHARD FRIEDMAN,

Plaintiff,

vs.

NATIONAL INDEMNITY COMPANY,

Defendant.

8:16CV258

ORDER

Plaintiff moves to commence discovery. (Filing No. 9). Liberally construed, his motion indicates Plaintiff questions Defendant's ability and competency to fully implement a litigation hold on electronically stored information (ESI), and he suspects ESI will be lost if discovery is not immediately permitted.

Defendant is represented by counsel who has no doubt assisted Defendant in understanding the purpose and meaning of a litigation hold, along with the potential legal consequences of failing to preserve relevant ESI. Defendant was served only a month ago, the parties have not completed their Rule 26 report, and a case progression order has not been entered. Under the circumstances presented, the court is not convinced that this case should be excepted from the standard case progression procedures of the federal rules, and that immediate discovery is necessary. Accordingly,

IT IS ORDERED that Plaintiff's motion to commence discovery (Filing No. 9), is denied.

July 15, 2016.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge